IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 683 of 2007()

CRLMC.52/2007 of D.C & SESSIONS COURT,TRIVANDRUM
CRIME NO.501/06 OF KALLAMBALAM POLICE STATION

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: PETITIONERS/ACCUSED

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1. AJAYAN, S/O.JANARDANAN, REVATHI, VARTHUR, PUTHIYAKAVU, KILIMANUR, THIRUVANANTHAPURAM (A1).

2. SUNIL KUMAR @ SODA SUNIL, S/O.PITHAMBARAN, SULEKA BHAVAN, CHENNANCODE, VADASSERY KONAM, OTTU VILLAGE (A2).

BY ADV. SRI.JACOB SEBASTIAN
SRI.A.RASHID

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING S.I. OF POLICE KALLAMBALAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 683 OF 2007 A

Dated this the 7th day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 and 2 in Crime No.501/2006 of Kallambalam Police Station for offences punishable under Sections143, 147, 148, 427, 324, 326 and 307 read with section 149 I.P.C. and Section 27 of the Arms Act and Section 5 of the Explosive Substances Act, 1908, seek their enlargement on bail. They were arrested on 7.12.2006.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioners are not goondas at their locality. It is early to consider that the final report has not been filed even after 60 days of detention of the petitioners. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioners are entitled to be released on bail as of right.

4. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the

satisfaction of the J.F.C.M., Varkala and subject to the following conditions:-

a. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

c. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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